

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CAROLYN FORREST,

Plaintiff,

-against-

UNIFUND FINANCIAL GROUP, INC., UNIFUND  
AMERICA, INC., RALPH SCOTT BARTER and  
MURIEL BARTER,

Defendants.

Case No. 04 CV 5151 (LTS)

**NOTICE OF MOTION**

Upon the accompanying Defendants' Memorandum of Law in Support of Their Motion for Reconsideration and Re-argument, and all other filings and proceedings in this action, defendants respectfully move, pursuant to Federal Rule of Civil Procedure 60(b) and Local Civil Rule 6.3, for: (i) reconsideration and re-argument of that portion of the Amended Memorandum Opinion and Order, dated May 12, 2005, and entered May 13, 2005, of the Honorable Laura Taylor Swain, which determined that plaintiff had pled [in her original complaint] sufficient facts on which to predicate a demand for punitive damages in connection with her tort claims and that plaintiff would be permitted to replead her claim for punitive damages with respect to her tort

claims (at page 10 of the Opinion and Order); and (ii) such other and further relief in favor of defendants which the Court determines to be just and proper.

Dated: New York, New York  
May 27, 2005

EATON & VAN WINKLE LLP

By: 

Alfred Ferrer III, Esq. (AF 3661)  
3 Park Avenue, 16<sup>th</sup> Floor  
York, New York 10016  
(212) 779-9910; Fax: (212) 779-9928  
aferrer@evw.com  
Attorneys for Defendants

TO: UAW-GM LEGAL SERVICES PLAN  
Eric N. Aglow, Esq. (EA 7223)  
10 Woodbridge Center Drive, Suite 730  
Woodbridge, New Jersey 07095  
(732) 602-1166; Fax: (732) 602-9730  
E-mail: [Ericag@Uawlsp.com](mailto:Ericag@Uawlsp.com)  
Attorneys for Plaintiff